

In re Application of: Conrad et al.  
Serial Number: 09/527,546

*ai cont*  
performance metrics, and passes data on the performance metrics to the reporting client for reporting to the reporting server.

---

#### REMARKS

The Office Action of December 4, 2002 has been carefully considered together with the cited references. In view of foregoing amendments and the remarks below, it is believed that the application is now in condition for allowance.

The Office Action objected to the Abstract of the application as filed because it exceeds the maximum allowed number of words. In response, a new Abstract is provided to replace the original one. The new Abstract does not contain any new matter.

The application was filed with claims 1-19, with claims 1, 8, and 16 being in the independent form. The Office Action rejected all pending claims. Specifically, claims 1-4, 6-9, 11-13, 15-17, and 19 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,781,703 to Desai et al. Claims 5, 14, and 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over Desai et al. in view of U.S. Patent 6,098,181 to Hamilton, III et al.

Applicants submit that the teachings of Desai are not sufficient to support the rejections. Prior to addressing the insufficiency of the grounds of the rejections, a brief description of the invention is provided here to facilitate an understanding of the invention. The present invention is directed to a performance reporting framework that includes a plurality of reporting clients that track and report performance data for various system components, and one or more reporting servers for receiving the collected data from the reporting clients and generating performance reports from the received data. In accordance with a feature of the invention, extensibility of the data collection system is provided by the use of a plug-in module for each reporting client application. The plug-in module registers with the reporting client the performance metrics to be

In re Application of: Conrad et al.  
Serial Number: 09/527,546

tracked, tracks the performance metrics, and passes data on the performance metrics to the reporting client for reporting to the reporting server. These functions of the plug-in module are explicitly recited in each of the independent claims.

In rejecting claim 1, the Office Action asserted that Desai et al. teaches all the limitations of claim 1. Specifically, the Office Action asserted: "Note that in the reference, Intelligent Remote Agents are provided to clients as plug-ins." That assertion, however, is unsupported. The Office Action failed to point to any place in the Desai reference that teaches that the Intelligent Remote Agents are plug-ins, and a search through the Desai reference shows that it does not even contain the term "plug-in." In fact, a reading of Desai indicates that the "Intelligent Remote Agents" correspond to reporting client programs. For instance, the specification of Desai states: "Generally, the Data Servers 14, Proxy Controllers 16, and Intelligent Remote Agents 18 comprise computer programs ..." Desai, Col. 3, line 66 – col. 4, line 3. In contrast, a plug-in is an auxiliary module that works with a main program to enhance its capability. In the embodiment described in the specification of the present application, the plug-in is in the form of a dynamic link library (DLL) file. Specification p. 21. In short, Desai has no teaching or suggestion of using a plug-in module with a reporting client in the way recited in the claims.

As discussed above, a feature of the claimed invention is the use of a plug-in with a client program for performance report, and the plug-in is required to register performance metrics with the reporting client, track the performance metrics, and pass data on the performance metrics to the reporting client for reporting to a reporting server. Since Desai do not teach the use of a plug-in with the reporting client, it certainly does not teach or suggest these functions performed by the plug-in. Due to its lack of teaching as to these limitations included in each of the independent claims, Desai could not have anticipated the claimed invention or rendered the

In re Application of: Conrad et al.  
Serial Number: 09/527,546

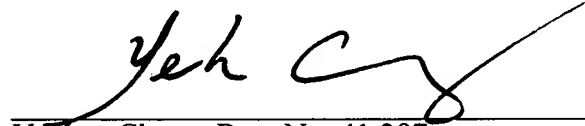
claimed invention obvious in combination with other cited references. Accordingly, all the pending claims should be allowable over Desai and the other cited references.

Conclusion:

In view of the foregoing, this application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



---

Y. Kurt Chang, Reg. No. 41,397  
One of the Attorneys for Applicant  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza, Suite 4900  
180 North Stetson  
Chicago, Illinois 60601-6780  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: April 4, 2003